

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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COMMISSIONERS.

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respects, be subject to all the provisions of law in relation to judgments in actions, and may in like manner be removed and reversed by writ of error, and execution shall issue thereupon.

Arbitrators may make award concerning costs.

(19.) SEC. XIX. If there is no provision in the submission concerning the costs of the proceedings, the arbitrators may make such award respecting the costs as they shall judge reasonable, including therein a compensation for their own services; but the court may reduce the sum charged for the compensation of the arbitrators, if it shall appear to them unreasonable.

Court may enforce judgment.

(20.) SEC. XX. Where by such judgment any party shall be required to perform any act other than the payment of money, the court rendering such judgment shall enforce the same by rule; and the party refusing or neglecting to perform and execute such act, or any part thereof, shall be subject to all the penalties of contemning an order of such court.

Arbitrators to hear and receive testimony.

(21.) SEC. XXI. [*As amended on page 21 of the amendments of 1852, to the revised statutes.*] The arbitrators shall hear and receive the testimony of either party, under oath; and shall have power to administer all necessary oaths to parties or witnesses appearing before them. Nothing in this chapter contained, shall preclude the submission and arbitrament of controversies according to the common law. And in all cases, arbitrators may be sworn, and thereupon shall have power to administer oaths to parties and witnesses, on any hearing or examination before them, of the matter submitted, and any such party or witness swearing willfully or corruptly false, on any such hearing or examination, shall be deemed guilty of perjury.

May swear witnesses.

CHAPTER 86.

LABORERS', MECHANICS' AND OTHER LIENS. (a)

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12. Other laws having provisions of this, repealed.	26. Collusion by owner and contractor to defeat lien.
13. Act of March 3, 1855, when to take effect.	27. Account of claim to be recorded, and lien to hold for two years.
14. Extent of mechanics' lien on house and land; precedence of it.	

(a) It will be seen that the act of March 3d, 1855, by section 23 only repeals the former laws "regarding or affecting Mechanics' liens." As the following sections of the revised statutes may not fall within the operation of this repealing clause, they are published.

SECTION.

- 28. Suits under lien when to commence.
- 29. Mechanics when may proceed if work suspended.
- 30. Proceedings if title to land defective.
- 31. If no sale under execution to satisfy lien, property may be leased.
- 32. Lien on land, lumber, &c.
- 33. Liens how discharged.

SECTION.

- 34. Liens how enforced against owner beyond reach of process.
- 35. Rights of executors, &c., as to liens.
- 36. Fees of county registers for recording.
- 37. Satisfaction of lien; certificate thereof.
- 38. Form of affidavit for filing account of lien.
- 39. Conflicting acts repealed.
- 40. Act of August 12, 1858, when to take effect.

[Chapter 97, Revised Statutes.]

(1.) SEC. I. Any person who has a subsisting cause of action to the amount of ten dollars for any labor performed upon any lands, tenements, or hereditaments, or for any materials furnished for any improvements upon any lands, tenements or hereditaments, may at any time within one year next after such cause of action shall have accrued, file his complaint as in other cases, but without serving a summons upon the defendant; and such complaint shall, in addition to the facts necessary to constitute a cause of action, contain an accurate description and statement of the location of the lands, tenements, or hereditaments upon which the labor was performed, or for the improvement of which the materials were furnished, and shall also allege that the defendant therein named, is the owner of, or has some interest in such lands, tenements, or hereditaments, and that such labor was performed, or such materials furnished pursuant to an agreement, express or implied, between the plaintiff and defendant, or his agent, the said complaint shall, as soon as filed in the office of the clerk of the district court of the proper county, constitute and be a lien upon the property therein described, in favor of the plaintiff, to the extent of the defendant's title or interest therein.

Complaint what to allege where party claims a lien.

(2.) SEC. II. When the complaint does not allege that the labor was performed, or the materials furnished pursuant to an agreement with the defendant, but shall allege that the labor was performed, or the materials furnished pursuant to an agreement with some contractor therein named, which contractor was employed by the defendant or his agent, and that the plaintiff was employed by said contractor, and had served a notice in writing upon the defendant or his agent, to the effect that he, the plaintiff, was, or had been employed by the said contractor, to perform labor thereon, or to furnish materials for the improvement of such lands, tenements, and hereditaments, and relied upon him, the defendant, or upon such lands, tenements, or hereditaments for his pay; then the filing of such complaint shall constitute and be a lien in favor of the plaintiff, the same as provided in the preceding section, to the amount that the defendant was indebted to the said contractor, when the said notice was served upon him or his agent, and to the amount in which the defendant became indebted to said contractor after the service of said notice, and before the expiration of the plaintiff's lien: *provided*, the amount thus due, or thus becoming due, does not exceed the amount claimed in the complaint; and upon the trial, the plaintiff shall have judgment for no more than the sum due from the defendant to the contractor at the time of serving such notice, and the amount which become due after the service of such notice; and when a lien shall be acquired under this section, it shall be a bar to any action by the said contractor, for the recovery of his claim for moneys due him from said defendant, to the amount of the lien, until such claim of lien shall be finally decided; and if decided in favor of the plaintiff, then it shall be to that extent a bar forever.

Complaint what to allege where work was done for contractor.

Such complaint shall be a lien.

Proviso.

(3.) SEC. III. The plaintiff may, at any time after filing his complaint as above provided, serve a summons and notice on the defendant, and proceed to judgment as in other actions, but the lien hereby created,

Summons and notice to be served.

shall cease to exist after the expiration of one year from the time the labor was performed, or the materials furnished, unless a summons be issued and served within that time: *provided*, that if the defendant be absent or concealed, he may be proceeded against in the same manner as is provided for in other cases of absent or concealed defendants.

Lien hereby created how far effectual.

(4.) SEC. IV. The lien hereby created by the filing of a complaint, shall be as effectual as liens created by judgments of courts of record; and if the plaintiff shall recover judgment upon his complaint, the lands, tenements and hereditaments therein described, or any interest whatever therein, either in law or equity, which the defendant had therein at the time of securing such lien; and any interest whatever, either in law or equity which the defendant shall have acquired therein, after such lien was secured, shall be liable to sale by virtue of any execution issued thereon; and if the property described in such complaint, be not sufficient to satisfy such execution, or if the defendant was not the owner, or had not sufficient interest therein, any other property of the defendant not exempted from sale on execution, may be sold to satisfy such execution.

District court to have jurisdiction in all cases.

(5.) SEC. V. The district courts of this territory, shall have jurisdiction in all actions and proceedings under this chapter, whatever may be the amount in controversy; and they are hereby authorized to make all orders and decrees which may be necessary for the effectual enforcement of the remedies herein provided.

Satisfaction when entered.

(6.) SEC. VI. When any person who shall have filed his complaint pursuant to the provisions of this chapter, shall have received satisfaction for his claim, and the legal costs of his proceedings therein, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction therein, within six days after such payment or tender, enter satisfaction of his demand in the office where his complaint is filed, which shall forever thereafter discharge, defeat, and release the same.

Penalty for refusal to enter satisfaction.

(7.) SEC. VII. If such person, having received satisfaction as specified in the preceding section, shall not, within six days after request and payment of costs as aforesaid, enter satisfaction as aforesaid, he shall forfeit and pay to the party aggrieved, double the amount of damages which he shall have sustained in consequence of his refusal or neglect.

Judgment what to include.

(8.) SEC. VIII. [*As amended on page 21 of the amendments of 1852 to the revised statutes.*] In all cases under the provisions of this chapter, whenever a judgment shall be rendered in favor of the plaintiff, such judgment shall be for damages, including interest from the time of filing such complaint and costs of suit, as follows: When judgment is rendered upon failure to answer, two dollars; in all other cases the costs shall be the same, and recoverable or not, as in other actions. If judgment be rendered in favor of the defendant, he shall recover costs as in other actions.

SEC. IX AND X. [*Repealed by section 24 of chapter 16 of the laws of 1855, page 61.*]

A Bill legalizing the town of Winona, and for other purposes.

[*Passed March 3, 1855.*] c, / 6

SEC. I TO VIII. [*These, both inclusive, refer to the town of Winona.*]

SEC. IX TO XX. [*These, both inclusive, are repealed by sec. 6 of chapter 53 of the laws of 1858.*]

Persons bestowing labor upon personal property shall have a

(9.) SEC. XXI. Any person who shall make, alter or repair, or bestow labor on any article of personal property, at the request of the owner or legal possessor thereof, shall have a lien on such property so made,

altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges, for the labor he has performed and the materials he has furnished, and such person may hold and retain possession of the same until such just and reasonable charges shall be paid, and if they be not paid within three months after the labor shall have been performed, or the materials furnished, such person having such lien may proceed to sell the property by him so made, altered or repaired, or upon which labor has been bestowed, at public auction, by giving public notice of such sale by advertisement for three weeks in some newspaper published in the county, or if there be no such paper in the county, then by posting up notice of such sale in three of the most public places in the county three weeks before the time of sale; and the proceeds of such sale shall be applied first to the discharge of such lien and the costs and expense of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof; the provisions of this and the following section not to interfere with any special agreement of parties.

Lien upon such property until such service is satisfied.

(10.) SEC. XXII. Any person who is a common carrier, and any person who shall, at the request of the owner or lawful possessor of any personal property, carry, convey or transport the same from any one place to another, and any person who shall safely keep or store any personal property, at the request of the owner or lawful possessor thereof, shall have the same lien and the same power of sale for the satisfaction of his reasonable charges, upon the same conditions and restrictions as provided in the preceding sections.

Carriers and others may have the benefit of this act.

(11.) SEC. XXIII. *And be it further enacted*, that all laws heretofore passed by the legislative assembly of Minnesota, and now in force in said territory, regarding or affecting mechanics' liens, be and the same are hereby repealed.

Other acts affecting mechanics' liens.

(12.) SEC. XXIV. (All) laws now in force in this territory containing the provisions of this act are hereby repealed.

Laws containing the previous act repealed.

(13.) SEC. XXV. This act shall be in force from and after its passage.

Act to be in force from and after its passage.

An Act securing to Mechanics a lien on Lands and Buildings.

[Passed March 20, 1853.] c. 5-3

(14.) SEC. I. That every dwelling house or other building for the construction, erection, or repairs of which any person shall have a claim for material furnished or services rendered, shall, with the land on which the same may stand, not exceeding forty acres, or if the building be within the limits of any city, town, or village plat, the lot on which such building shall stand, not exceeding one acre in extent, be subject to the payment of said claim; and the same shall be a lien on such land and building, and shall take precedence of any other lien or incumbrance which shall originate subsequent to the commencement of such services, or the furnishing of such materials.

Lien on building and land.

Precedence of subsequent claims.

(15.) SEC. II. The debt for services or materials as aforesaid shall not remain a lien on such land or building for a longer period than sixty days after the person performing such services or furnishing such materials has ceased so to do, unless he shall lodge with the register of deeds of the county in which said building is situated a certificate in writing, describing the premises, the amount claimed as a lien thereon, and the date of the commencement of the claim—the same being first subscribed and sworn to as the amount justly due, as nearly as the same can be ascertained: which certificate shall be recorded by the register of deeds in a separate book to be provided by the register of deeds for that purpose; nor shall the debt for services or material as aforesaid remain a lien on such land

Lien to exist for 60 days unless certificate is filed. Form of certificate.

Commencement of action.

or building for a longer period than one year after such certificate in writing has been so lodged with the register of deeds, unless an action for the recovery thereof be instituted within the said year.

Satisfaction of lien; certificate to be filed; form of certificate.

(16.) SEC. III. Any person who has lodged a certificate as aforesaid, after receiving satisfaction for his debt, or after final judgment against him showing that nothing is due by reason of his claim, shall at the request of any person interested in the premises on which the same was a lien, or interested in having the lien removed, lodge a further certificate with the register of deeds that said debt is satisfied and said lien removed; which certificate shall be recorded by said register of deeds as aforesaid, and shall forever discharge said lien; and if any person who has received satisfaction as aforesaid, against whom judgment has been rendered as aforesaid, shall not within ten days after request in writing, lodge a certificate with the register of deeds aforesaid, he shall pay to the party or parties aggrieved a sum not exceeding one-half the debt claimed as a lien on such premises, according to the circumstances of the case, to be recovered in a civil action. The register of deeds shall be allowed for recording the certificates provided for by this act the same fees to which they are entitled by law for recording other instruments in writing.

Fees for recording certificate.

Jurisdiction only in district court.

(17.) SEC. IV. The district court of this state shall have jurisdiction of all cases arising under the provisions of this act, without regard to the amount of the claim for which the lien herein provided is sought to be enforced.

Rights of executors, &c.

(18.) SEC. V. That executors and administrators under this act shall have the same rights and be subject to the same liabilities that their testator or intestate would or might have if living.

Repeal of former acts.

(19.) SEC. VI. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and all of chapter XVI. of the session laws of 1855, entitled "A Bill legalizing the Town of Winona, and for other purposes," from section nine to twenty inclusive, are [is] hereby repealed.

Take effect when.

(20.) SEC. VII. This act shall take effect and be in force from and after its passage.

An Act to create a lien in favor of Mechanics and others in certain cases.

[Passed August 12, 1858.] c. 54

Lien upon buildings and land or boats.

(21.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That any person or company who shall have performed, or may hereafter perform labor, or furnish materials or machinery for erecting, constructing, altering, or repairing any house, mill, manufactory, or other building or appurtenances, or for constructing, altering, or repairing any boat, vessel, or other water craft, by virtue of a contract or agreement with the owner or agent thereof, shall have a lien to secure the payment of the same, upon such house, mill, manufactory, or other building and appurtenances, and upon such boat, vessel, or other water craft, together with the right, title, or interest of the person or persons owning such house, mill, manufactory or other building and appurtenances on and to the land upon which the same shall be situated, not exceeding forty acres, and if erected within the limits of any city, town, or village plat, the lot of ground on which said house, mill, manufactory or other building and appurtenance shall be erected, not exceeding in extent one acre.

Owners of buildings to withhold payment from contractors to satisfy claims.

(22.) SEC. II. That every mechanic or other person doing or performing any work towards the erection or repair of any house, mill, manufactory or other building or appurtenance, or the construction, alteration or repair of any boat, vessel or other water craft, erected under a contract

between the owner thereof and builder, or other person, whether such work shall be performed as journeyman, laborer, carman, sub-contractor or otherwise, or any person who shall furnish materials for the construction of such building or vessel, whose demands for work so done or materials so furnished, has not been paid or satisfied, may deliver to the owner of such building or vessel, an attested account of the amount and value of the work or labor performed, or the materials thus furnished and remaining unpaid, and thereupon such owner shall retain out of his subsequent payments to the contractor, the amount of such work and labor for the benefit of the person so performing the same.

(23.) SEC. III. Whenever any account of labor performed, or materials furnished, as referred to in the preceding section, shall be placed in the hands of the owner of any building or vessel, as above stated, or his authorized agent, it shall be the duty of such owner or agent to furnish his contractor with a copy of such papers, so that if there be any disagreement between such contractor and his creditor, they may, by amicable adjustment, or by arbitration, ascertain the true sum due; and if the contractor shall not, within ten days after the receipt of such papers, give the owner written notice that he intends to dispute the claim, or if in ten days after giving such notice, he shall refuse or neglect to have the matter adjusted, as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

Copies of claims for contractors; failure to object.

(24.) SEC. IV. If the contractor shall dispute the claim of his journeyman or other person, for work done or materials furnished, as aforesaid, and the matter cannot be adjusted between themselves, it shall be submitted to the arbitrament of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen, and their decision, or the decision of any two of them, shall be conclusive in the case submitted.

Arbitration of disputed claims.

(25.) SEC. V. When the account shall be adjusted, as above provided, and the contractor shall not, within ten days after it is so adjusted, pay the sum to his creditor, with the costs incurred, the owner shall pay the same out of the fund as above provided; and which amount may be recovered from the said owner by the creditor of the said contractor, and in action for money had and received to the use of said creditor, and to the extent in value of any balance due by the owner to his contractor under the contract with him at the time of the notice first given, as aforesaid, or subsequently accruing to such contractor, under the same, if such amount shall be less than the sum due from said contractor to his creditor.

Contractor failing to pay, owner to pay.

(26.) SEC. VI. If by collusion the owner of any building erected by contract, shall pay to his contractor any money in advance of the money due on said contract, and if the amount still due the contractor after such payment has been made, shall be insufficient to satisfy the demand made in conformity with the provisions of this act, for labor done and materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the account of such work or materials, in the same manner if no such payment had been made.

Collusion of owner and contractor; penalty.

(27.) SEC. VII. That any person entitled to a lien under this act shall make an account, in writing, of the item of labor, skill, material and machinery furnished, or either of them, as the case may be, and after making oath thereto, within one year from the time of performing such labor and skill or furnishing such material and machinery, shall file the same in the register's office of the county in which such labor, skill and materials shall have been furnished, which account so made and filed, shall be recorded in a book to be provided, separately, by the recorder for that purpose, and shall, from the commencement of such, or the furnishing of such materials, and for two years after the completion of such labor or the

Accounts to be recorded; lien to hold for two years.

furnishing of such materials, operate as a lien on the several description of structures and buildings, and the lots of ground on which they stand, in the first section of this act named. When any labor has been done, or materials furnished, as provided, on a written contract, the same, or a copy thereof, shall be filed with the account herein required.

Commencement
of suits.

(28.) SEC. VIII. That every person or persons holding such lien, may proceed to obtain a judgment for the amount of his or their account thereon, according to the course of legal proceedings in like cases; and when any suit or suits shall be commenced on such accounts, within the time of such lien, the lien shall continue until such suit or suits be finally determined and satisfied.

Suspension of
work; rights of
mechanics.

(29.) SEC. IX. That when the owner or owners of any house or buildings, described in the first section of this act, shall suspend its progress or completion, without the consent of such laborers, mechanics or furnishers; or if the progress or completion of the same be suspended by the decease of the owner or owners, at a stage when, from its unfinished state, such structure would go to waste, the laborers, mechanics and furnishers thereto, or any of them, may, at their election, proceed with the same at their cost, so far as to inclose such building and thereby prevent such waste: *provided*, the work so done, after said suspension, shall be according to the contract and the plan of the owner or owners.

Defective titles
to land; lease of
buildings.

(30.) SEC. X. That if the person or persons also may erect as owner or owners, any building described in the first section of this act, be not, at the suspension or completion of the same, possessed of the legal but equitable title to the ground on which the same is erected (if the same be a fixture) and the fact of such defect of title be made to appear to the court before whom any judgment or judgments under this act may have been obtained; or if the same be returned by any legal officer, to whom any execution under this act shall be directed, in either case the court shall direct the officer who has returned, or who is authorized by law to serve such execution, to rent or lease such building or buildings, until the rents and issues thereof shall pay or satisfy the several liens on which judgment may be had against the same: *provided*, this law shall not be so construed, as to interfere with prior bona fide lien on grounds on which such building or buildings shall be erected, (if a fixture.)

Failure to sell on
execution to be
leased.

(31.) SEC. XI. That in all other cases of judgment or judgments obtained in favor of any lien holder or holders, if the property bound by such lien will not sell on execution as provided by law in other cases, having been once duly offered, the court before whom such judgment or judgments may be obtained, may direct the officer aforesaid, to lease the same in the manner and for the purpose pointed out in the preceding section; and the officer giving such lease or leases shall therein require the payment to be made to him, or his successors in office, which successor or successors shall have the same power and perform the same duties therein as the maker of the lease or leases should or could do; and in cases where the money may be collected by said officer on lease or leases made under this act, it shall be his duty, forthwith, to pay the same into court where the judgment or judgments were obtained, which money shall be distributed to the several lien holders interested in said judgments, in proportion to their several demands.

Liens to exist for
manual labor on
lands, logs, tim-
ber or lumber.

(32.) SEC. XII. Any person or persons performing manual labor upon any land, logs, timber or lumber, for or on account of the owner, agent or assignee thereof; may avail themselves of the foregoing provisions of this act, and upon complying with the requirements thereof, shall have a like lien upon said lands, logs, timber or lumber, for the amount of

work and labor done and performed; and the said lien may be carried into force and effect, pursuant to the foregoing provisions of this act.

(33.) SEC. XIII. That all lien or liens may be discharged by the payment of judgment or debt, with all legal costs, before the property on which such lien or liens attached be sold or leased under this act; and if any lien holder or holders, after the same be duly tendered to him or them, shall proceed at law, or shall refuse to give a due discharge from such lien, then such lien holder or holders shall forfeit all lien and pay all costs.

Discharge of liens.

(34.) SEC. XIV. That if the owner or owners of the property which is subsequent to a lien under this act, be without the reach of process, or resident without the state, any lien holder or holders may proceed by attachment, against the same, as in other cases, and the court before whom the same attachment is pending, on the entry of judgment, on return of the proper officer, shall have the same power to order lease or leases, as is given in the tenth and eleventh sections of this act.

Owners beyond reach of process attachment.

(35.) SEC. XV. That executors and administrators under this act shall have the same rights and be subject to the same liabilities that their testator or intestate would or might have if living.

Rights of executors and administrators.

(36.) SEC. XVI. That the registers of counties, for filing and recording contracts and accounts under this act, shall be paid the same fees they are legally entitled to in other cases.

Fees of register.

(37.) SEC. XVII. Each and every person in favor of whom any such lien has existed, after receiving satisfaction of his or their debt, or after final judgment against him or them by a competent tribunal, showing that nothing is due by reason of such claims, shall, at the request of any person interested in the property on which the same was a lien, or who is interested in having the lien removed, or of his or their legal representatives, lodge a certificate with said register, that the said debt is satisfied and said lien removed, which certificate shall be filed and recorded by the register on the margin of the record, in the same manner that releases of mortgages are now by law required to be recorded; and when so recorded, shall for ever discharge and release said lien; and if such person or persons, having received satisfaction as aforesaid, by himself or attorney, or judgment having been rendered him as aforesaid, shall not, within ten days after request in writing, lodge a notice in writing, with the register, as is prescribed in this section, he or they neglecting or refusing so to do, shall forfeit and pay to the party or parties so aggrieved, any sum of money not exceeding one half of the debt claimed, as a lien on such property, according to the circumstances of the case, to be recovered in a civil action; and the party lodging such certificate as aforesaid, shall pay to the register twelve and a half cents for recording each notice or certificate as aforesaid. In all cases where liens have been filed under pre-existing laws, the same may be prosecuted to final judgment under such law; and in all cases where the right to liens have accrued as provided in this act, the same may be prosecuted in accordance with the provisions of this act.

Satisfaction of lien; certificate thereof.

Liens filed under former laws.

(38.) SEC. XVIII. The following form may be used under this act:

Form of affidavit for filing lien.

STATE OF MINNESOTA, }
County. } ss.

A. B. affiant, makes oath and says: That the annexed is a true and correct account of the labor performed, and material (or say machinery) furnished by him (or them) to and for (here give name or names) at said county; and the prices thereof set forth in the account hereto annexed, are just and reasonable, and the same is unpaid; that said labor was performed, and material (or say machinery) was furnished for said C. D. at the time in said account mentioned under and by virtue of a contract between affiant and C. D., (if the contract was in writing, add above copy

of which is hereto annexed, marked A.) and for (constructing, or say, altering, or say repairing a certain boat called, (and so forth,) giving a description of the water craft; or say erecting, or say repairing a certain house, or say mill, giving the common name of the building; or say a certain piece of land, giving location, etc.; or say a lot of timber, or logs, or lumber, etc.)

And affiant further makes oath and says: That the said C. D. was, at the time said contract was entered into and said labor was performed, and said materials (or say machinery) was furnished, the owner of house, (or say mill, or say said manufactory, naming the kind of building,) and that said building is situate upon a certain lot of land owned by said C. D., in town, section, range, in said county, and this affiant claims a lien on the premises.

(Signed) A. B.

Sworn and subscribed before me this day of, A. D. 18. H— G—, J. P.

Repeal of former acts.

(39.) SEC. XIX. All acts and parts of acts inconsistent hereunto are hereby repealed.

(40.) SEC. XX. This act shall take effect from and after its passage.

CHAPTER 87.

CRIMES AND PUNISHMENTS.

SECTION

- 1. Crime or public offense defined.
- 2. Crimes how divided.
- 3. Felony defined.

SECTION

- 4. Misdemeanor.
- 5. Party prosecuted designated defendant.

✓ [Chapter 98, Revised Statutes.]

Crime or public offense defined.

(1.) SEC. I. A crime or public offense is an act or omission forbidden by law, and to which is annexed upon conviction, either of the following punishments:

- 1. Death;
- 2. Imprisonment;
- 3. Fine;
- 4. Removal from office; or,
- 5. Disqualification to hold and enjoy any office of honor, trust, or profit under the laws of this territory.

Division of crimes and public offenses.

(2.) SEC. II. Crimes and public offenses are divided into:

- 1. Felonies; and
- 2. [As amended on page 22 of the amendments of 1852 of the revised statutes:] Misdemeanors;

How modified.

Crimes and public offenses, and criminal proceedings, are modified as prescribed in these statutes.

Felony defined.

(3.) SEC. III. A felony is a public offense punishable with death, or which is, or in the discretion of the court may be, punishable by imprisonment in the penitentiary or territorial prison.